

06-25-04

Jfe  
# RCE  
1636

EXPRESS MAIL NO. EV398877654US

PTO/SB/30 (05/03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|  |                               |                               |
|--|-------------------------------|-------------------------------|
| <b>Request<br/>For<br/>Continued Examination (RCE)<br/>Transmittal</b><br><br>Address to:<br>Mail Stop RCE<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 | <b>Application Number</b>     | <b>09/870,937</b>             |
|  | <b>Filing Date</b>            | <b>May 30, 2001</b>           |
|  | <b>First Named Inventor</b>   | <b>Bin Wu</b>                 |
|  | <b>Art Unit</b>               | <b>1636</b>                   |
|  | <b>Examiner Name</b>          | <b>David A. Lambertson</b>    |
|  | <b>Attorney Docket Number</b> | <b>59516-141/PP-01623.002</b> |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-0258

i. ☒ RCE fee required under 37 CFR 1.17(e) **06/28/2004 YPOLITE1 00000047 09870937**

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) **01 FC:1801** **770.00 OP**

iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ **1720** enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

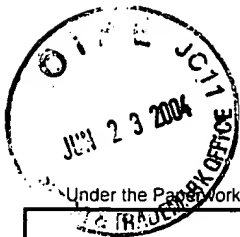
|                          |                          |  |                      |
|--------------------------|--------------------------|--|----------------------|
| <b>Name (Print/Type)</b> | <b>Jane E. R. Potter</b> | <b>Registration No. (Attorney/Agent)</b> | <b>33,332</b>        |
| <b>Signature</b>         |                          | <b>Date</b>                              | <b>June 23, 2004</b> |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                          |                              |             |  |
|--------------------------|------------------------------|-------------|--|
| <b>Name (Print/Type)</b> |                              |             |  |
| <b>Signature</b>         | <b>SENT VIA EXPRESS MAIL</b> | <b>Date</b> |  |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14.



EXPRESS MAIL NO. EV398877654US

PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 1720**Complete if Known**

|                      |                        |
|----------------------|------------------------|
| Application Number   | 09/870,937             |
| Filing Date          | May 30, 2001           |
| First Named Inventor | Bin Wu                 |
| Examiner Name        | David A. Lambertson    |
| Art Unit             | 1636                   |
| Attorney Docket No.  | 59516-141/PP-01623.002 |

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ None☒ Deposit Account:Deposit  
Account  
Number

04-0258

Deposit  
Account  
Name

Davis Wright Tremaine LLP

The Commissioner is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments
- ☐ Charge any additional fee(s) during the pendency of this application
- ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any deficiencies

to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |         | Small Entity |         | Fee Description        | Fee Paid |
|--------------|---------|--------------|---------|------------------------|----------|
| Fee Code     | Fee(\$) | Fee Code     | Fee(\$) |                        |          |
| 1001         | 770     | 2001         | 385     | Utility filing fee     |          |
| 1002         | 340     | 2002         | 170     | Design filing fee      |          |
| 1003         | 530     | 2003         | 265     | Plant filing fee       |          |
| 1004         | 770     | 2004         | 385     | Reissue filing fee     |          |
| 1005         | 160     | 2005         | 80      | Provisional filing fee |          |
| SUBTOTAL (1) |         |              |         |                        | (\$) 0   |

**2. EXTRA CLAIM FEES**

|                    |  |          | Extra Claims | Fee from below | Fee Paid |
|--------------------|--|----------|--------------|----------------|----------|
| Total Claims       |  | - 20** = |              | x              |          |
| Independent Claims |  | - 3** =  |              | x              |          |
| Multiple Dependent |  |          |              |                |          |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 86       | 2201         | 43       | Independent claims in excess of 3                          |
| 1203         | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |
| 1204         | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$) 0

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity |          | Small    |          | Fee Description  | Fee Paid |
|--------------|----------|----------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code | Fee (\$) |  |          |
| 1051         | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 1053     | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804         | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252         | 420      | 2252     | 210      | Extension for reply within second month                                    |          |
| 1253         | 950      | 2253     | 475      | Extension for reply within third month                                     | 950      |
| 1254         | 1,480    | 2254     | 740      | Extension for reply within fourth month                                    |          |
| 1255         | 2,010    | 2255     | 1005     | Extension for reply within fifth month                                     |          |
| 1401         | 330      | 2401     | 165      | Notice of Appeal   |          |
| 1402         | 330      | 2402     | 165      | Filing a brief in support of an appeal                                     |          |
| 1403         | 290      | 2403     | 145      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,330    | 2453     | 665      | Petition to revive - unintentional   |          |
| 1501         | 1,330    | 2501     | 665      | Utility issue fee (or reissue)   |          |
| 1502         | 480      | 2502     | 240      | Design issue fee   |          |
| 1503         | 640      | 2503     | 320      | Plant issue fee  |          |
| 1460         | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807     | 50       | Petitions related to provisional applications                              |          |
| 1806         | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 770      | 2809     | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 770      | 2810     | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 770      | 2801     | 385      | Request for Continued Examination (RCE)                                    | 770      |
| 1802         | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 1720

**SUBMITTED BY**

(Complete (if applicable))

Name (Print Type)

Jane E. R. Potter

Registration No.  
(Attorney/Agent)

33,332

Telephone

206-628-7650

Signature

Date

June 23, 2004

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EXPRESS MAIL NO. EV398877654US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Bin Wu et al.  
Application No. : 09/870,937  
Filed : May 30, 2001  
For : COMPOSITIONS AND METHODS FOR TREATING NEOPLASTIC  
DISEASE USING CHEMOTHERAPY AND RADIATION  
SENSITIZERS

Examiner : David A. Lambertson  
Art Unit : 1636  
Docket No. : 59516-141 / PP-01623.002  
Date : June 23, 2004

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT**

## **INTRODUCTORY COMMENTS**

Commissioner for Patents:

In response to the Advisory Action dated April 7, 2004, please extend the period of time for response three months to expire on June 24, 2004. Enclosed are a Petition for an Extension of Time and the required fee. Applicants submit the following Preliminary Amendment, and respectfully request that this application be transferred to an Examiner in the Antisense Art Unit.